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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,120	02/14/2002	Pietro Padovani	B-4501 619522-7	2901

7590 07/15/2003

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[REDACTED] EXAMINER

KRIZEK, JANICE LEE

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>10/077,120</b>	Applicant(s) <b>Padovani</b>						
	Examiner <b>Janice Krizek</b>	Art Unit <b>3652</b>						
								
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>								
<b>Period for Reply</b> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>ONE</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.								
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>								
<b>Status</b> <p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>4-21-2003</u></p> <p>2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>								
<b>Disposition of Claims</b> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-15</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input type="checkbox"/> Claim(s) _____ is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8) <input checked="" type="checkbox"/> Claims <u>1-15</u> are subject to restriction and/or election requirement.</p>								
<b>Application Papers</b> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>								
<b>Priority under 35 U.S.C. §§ 119 and 120</b> <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> <p>*See the attached detailed Office action for a list of the certified copies not received.</p>								
<p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p> <p>a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>								
<b>Attachment(s)</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p></td> <td style="width: 33%;"><p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p></td> </tr> <tr> <td>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</td> <td><p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p></td> </tr> <tr> <td>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</td> <td><p>6) <input type="checkbox"/> Other: _____</p></td> </tr> </table>			<p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p>	<p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p>	2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p>	3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	<p>6) <input type="checkbox"/> Other: _____</p>
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3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	<p>6) <input type="checkbox"/> Other: _____</p>							

Art Unit: 3652

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, drawn to a process for handling thermoformed objects, classified in class 414, subclass 802.
  - II. Claims 4-15, drawn to a plant for handling thermoformed objects, classified in class 414, subclass 788.3.
2. The inventions are distinct, each from the other because:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process can be practiced by hand.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 3652

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Janice Krizek whose telephone number is (703) 308-2026. The examiner can normally be reached on Mondays through Fridays from 9:30 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis, can be reached at (703) 308-3248. The fax numbers for Technology Center 3600 are (703) 872-9326 (for responses before final rejection), (703) 872-9327 (for responses after final rejection) and (703) 872-9325 (for customer service).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Center receptionist whose telephone number is (703) 308-1113.

jlk  
July 14, 2003

*Janice L. Krizek 7-14-03*  
Janice L. Krizek  
Primary Examiner  
Technology Center 3600